

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

CIVIL MINUTES - GENERAL

Case No.	08-05159	Date	November 18, 2008
Title	<i>REYES v. UNITED STATES DISTRICT COURT for the WESTERN DISTRICT OF WASHINGTON, et al.</i>		

Present:	ROBERT J. TIMLIN, UNITED STATES DISTRICT JUDGE
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Patricia Gomez

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys for Plaintiff

Attorneys for Respondents

N/A

N/A

Plaintiff appearing pro se

Proceedings: **NOTICE TO PRO SE PLAINTIFF REYES REGARDING
PROCEDURES FOR OPPOSING MOTION FOR SUMMARY
JUDGMENT, PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE 56¹**

Wayne Fricke, a defendant in this matter, filed a motion for summary judgment on November 17, 2008, by which he seeks to have your case against him adjudicated in his favor. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case as to that defendant.

Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact- that is, if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law, which will end your case. When a party you are suing makes a motion for summary judgment that is properly supported by declarations (or other sworn testimony), you cannot simply rely on what your complaint says. Instead, you must set out specific facts in declarations, depositions, answers to interrogatories, or authenticated documents, as provided in Rule 56(e), that contradict the facts shown in the defendant's declarations and documents and show that there is a genuine issue of material fact for trial. If you do not submit your own evidence in opposition, summary judgment, if appropriate, may be entered against you. If summary judgment is granted your case will be adjudicated against you and there will be no trial.

Any opposition to the motion for summary judgment must be served and filed by you within 21

¹The language of this Notice was approved by the Ninth Circuit Court of Appeals in *Rand v. Rowland*, 154 F.3d 952, 962-963 Appendix A (9th Cir. 1998).

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days from service of this notice upon you.

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Initials of Preparer		pg